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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,962	07/21/2003	Richard Allen Knaggs	10541-1815	6048

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EXAMINER

GIMIE, MAHMOUD

ART UNIT PAPER NUMBER

3747

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,962

Applicant(s)

KNAGGS ET AL.

Examiner

Mahmoud Gimie

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/21/03, 11/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 objected to because of the following informalities: line 8, the letter p should be deleted to correct the typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Danna (5,052,437).

Danna discloses a component (vent tube 10) for internal placement within a vehicle fuel tank (12), the component comprising: a first housing (24) and a second housing (32), a spring (38) biasing the first and second housings apart; a first connection member (not numbered) attached to the first housing (24), a second connection member (34) attached to the second housing (32), the second housing being adjustable relative to the first housing to position the first and second connection members for selective engagement of the fuel tank (12, 18, 52, 54).

With regard to claim 16, wherein the first and second connection members each include a projection, see figures 3-5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danna (5,052,437) in view of Rosseel (6,499,500).

Danna discloses all the limitations as applied to claims 15 and 16 above, except for a second depression sized to receive the second projection and the housing being located entirely within the fuel tank.

Rosseel discloses a fuel tank with a relief valve having a depression sized to receive a housing and located entirely with the fuel tank.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Danna by providing a depression sized to receive a housing and located entirely with the fuel tank as shown by Rosseel. The motivation to do so would have been to provide a reliable connection, col. 1 and ll. 30-31 of Rosseel. With regard to claim 2, the modified first and second housings are located entirely within the fuel tank.

With regard to claim 3, wherein both the first and second housing are adjustable relative to the first and second walls of the fuel tank.

With regard to claim 5, wherein the first housing telescopically (overlappingly) receives the second housing

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With regard to claim 6, at the time the invention was made; it would have been an obvious matter of design choice to a person of ordinary skill in the art to use a grade vent valve instead of a vent valve because applicant has not disclosed that doing so provides an advantage, is used for a particular purpose, or solves a stated problem.

One of ordinary skill in the art, further, would have expected applicant's invention to perform equally well with a vent valve because vents the fuel tank.

With regard to claim 10, wherein the first and second projections have a non-circular cross-sectional shape.

With regard to claims 11 and 18, wherein the first and second projections have an oblong cross-sectional shape (leaf shape).

With regard to claim 12, wherein in the first (52,54) and second (5, second reference) depressions are formed on first and second plateaus raised from the surface of the first and second walls.

With regard to claim 14, wherein the first wall defines an access opening, the first and second depressions being horizontally spaced from the access opening, see figures.

With regard to claim 17, wherein the projections are tapered to promote seating of the projections, see figures.

With regard to claim 20, wherein the component as modified is located entirely within the fuel tank.

With regard to claims 4,8,9,13 and 19, the miscellaneous items would be within the knowledge of one of ordinary skill in the art.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show adjustable mounting pipes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahmoud Gimie whose telephone number is 571-272-4841. The examiner can normally be reached on Monday-Friday between 7 a.m. -3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG


MAHMOUD GIMIE
PRIMARY EXAMINER